



**AkzoNobel**

Tomorrow's Answers Today

September 28, 2010

**VIA Federal Express # 7939 5632 9755**

Craig Whitenack, Civil Investigator  
United States Environmental Protection Agency  
Region IX, Southern California Field Office  
600 Wilshire Avenue, Suite 1460  
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site, San Francisco, CA Response to 104(e) Information Request on behalf of The Glidden Company**

Dear Mr. Whitenack,

Please accept this letter in follow up to my discussions with Michael Massey in the Office of Regional Counsel and in response to the August 24, 2010 letter and supplemental request for information ("SRFI") from the United States Environmental Protection Agency ("EPA") to The Glidden Company now known as Akzo Nobel Paints LLC ("Akzo Nobel Paints") with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted in Akzo Nobel Paints' initial response dated January 8, 2010, and without waiving these or other available objections or privileges, Akzo Nobel Paints submits the following in response to the SRFI.

By way of background, during the period of time in question, The Glidden Company manufactured various types of architectural coatings in California. The Glidden Company was acquired by Akzo Nobel B.V. on or about January 2, 2008. On or about January 2, 2009 The Glidden Company was converted to Akzo Nobel Paints LLC.

Although Akzo Nobel Paints is the appropriate entity to respond to this RFI and SRFI, the sites located in California that were in operation during the time period in question - 1940-1988 - were closed more than 14 years ago and as such Akzo Nobel Paints has no files relating to these sites.

In responding to the RFI and SRFI, Akzo Nobel Paints has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control investigated this matter by reviewing any relevant files and interviewing employees of the former operators/owners of any predecessors during the period in question in order to identify any relevant information regarding the entities identified in the RFI and the details regarding any contractual dealings between those entities and The Glidden Company.

During the time period in question, The Glidden Company operated a manufacturing facility on 16<sup>th</sup> Street in San Francisco, California, which was closed in 1996 and sold thereafter. The Glidden Company also operated a manufacturing facility at East 61<sup>st</sup> Street in Los Angeles, California, which was closed in 1944 and sold to Sinclair Paint Company. It is believed that this site was later sold to Easterday Janitorial in or about 1959. The Glidden Company also operated a manufacturing facility on Bandini Boulevard in Los Angeles, California, which was closed in 1982 and sold thereafter.

Akzo Nobel Paints has no information or documents responsive this request related to any of these sites. All documents provided by DTSC in support of the Bay Area Drum case related to sales of newly reconditioned drums to The Glidden Company. The Notice of Motion, and Memorandum of Points and Authorities in Support of the 2003 Settlement Agreement and Consent Decree with DTSC further states

*"There was virtually no documentary evidence that ... Glidden contaminated the Site. And the few documents that did exist – 13 pages of documents (apparently generated by one of the Property's owner/operators, the Waymire Drum Company) titled 'invoice Control,' with entries for Glidden and other entities – indicated only that Glidden entered into some kind of transaction at the facility – not necessarily that Glidden disposed used drums containing hazardous substances... Given the round number that generally appear on the documents under the column heading 'Quantity,' as well as the narrow variations in drum types that appear on the documents under the column heading 'Description,' the more plausible explanation is that the document are records of the purchase of reconditioned drums by Glidden..."*


Copies of the Notice of Motion; Memorandum of Points and Authorities; and the Settlement Agreement and Consent Decree are enclosed for your reference.

There was also testimony regarding The Glidden Company's dealings with the Bay Area Drum site but that testimony related only to three specific time periods: about 1970 for a 6 month period; 1970-1972; and 1978-1979. The testimony was from a truck driver who claims to have only collected drums from The Glidden Company site during the period from 1970-1972. That testimony is questionable as there were no specifics or documents to back up the statements made.

Akzo Nobel Paints has been unable to locate any documents or information that would indicate any relationship with the Bay Area Drum Facility, the Bay Area Drum Company or any of its owners, agents, representatives, employees or predecessors. The Glidden Company had no other manufacturing facilities in California during the time period at issue.

Should EPA have any questions regarding this supplemental response feel free to contact me at 914-333-7488.

Very truly yours,



Debra J. Rubenstein  
Senior Regulatory Counsel HSERA  
Akzo Nobel Inc.

cc: Robert Kovalak